

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

In re DAVID JOHN KAPLAN

DAVID JOHN KAPLAN,

Plaintiff,

vs.

VADONNA RIVERA et al.,

Defendants.

3:11-cv-00772-RCJ-VPC

ORDER

This adversary proceeding arises out of a March 18, 2009 incident where a dog allegedly attacked Plaintiff, causing him to injure himself as he twisted away to avoid a bite. The Court previously denied Defendants' motion to designate the trial as a jury trial and their subsequent motion to reconsider, because the only jury demand had been in a superseded version of the Complaint, and there was no evidence that version of the Complaint had been served upon any Defendant. Defendants have now filed a successive motion to reconsider, adducing proof of service of the original Complaint upon both Defendants. The Court therefore grants the motion and reconsiders. Normally, the Court does not consider successive motions to reconsider, but the present matter concerns the Seventh Amendment right to a jury trial that will be lost if the Court does not reconsider. At the same time, the Court's docket simply cannot withstand a delay of trial at this late stage. Therefore, the parties are hereby notified that the trial—which will be a jury trial—will proceed as scheduled at 11:00 a.m. on August 12, 2013 in Courtroom 6 of the

1 Bruce R. Thompson Courthouse in Reno, Nevada. The parties shall be prepared to proceed at
2 that time. Jury trial documents not already submitted are due forthwith.

3 **CONCLUSION**

4 IT IS HEREBY ORDERED that the Motions to Reconsider (ECF No. 85) is GRANTED.

5 IT IS SO ORDERED.

6 Dated this 6th day of August, 2013.

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8 ROBERT C. JONES
9 United States District Judge
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